IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11587 of 2005

Between:

1. Yerubandi Paparao, S/o Reddemma,

resident of Edarada village, Mamidikuduru Mandal,

East Godavari District.

2. Yedarada Venkata Manga Tayaru, W/o Paparao,

resident of Edarada village, Mamidikuduru Mandal,

East Godavari District.

3. Yerubanti Venkata Reddi Naidu, S/o Paparao,

resident of Edarada village, Mamidikuduru Mandal,

East Godavari District.

4. Jillella Subbarao, S/o Sivarama Rao, resident of Edarada

village, Mamidikuduru Mandal, East Godavari District.

..... PETITIONERS

AND

1. The District Collector,

East Godavari District, Kakinada.

2. The Revenue Divisional Officer,

Amalapuram Division, East Godavari District.

3. The Mandal Revenue Officer,

Mamidikuduru Mandal, East Godavari District.

4. The Deputy Executive Engineer, Panchayat Raj Department,

Razole, East Godavari District.

5. Deputy Executive Engineer, Panchayat Raj Department,

P. Gannavaram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents authority in taking steps to dispossess or middle with the property of the petitioners by removing the trees in existence in survey number 205/2, 206/2, and 206/2B of Edarada Village of Mamidikuduru Mandal, East Godavari District without due process of law as illegal, arbitrary and violative of Fundamental Rights guranteed under the Constitution of India, particularly Article 300-A and consequently direct the respondents to stop further proceedings in this regard by paying necessary compensation for the trees already removed.

Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

Heard the learned counsel appearing for both the parties.

It is stated that the petitioners are the owners and possessors of their respective piece of land in R.S.No.206/2B, etc., situate at Edarada village, East Godavari District. The said lands of the petitioners are abutting to the Government puntha road with gravel. The respondents wanted to widen the road from Vegivaripalem to Magatapalli village and in that process without initiating any proceedings to acquire the land, the respondents are taking steps to remove the existing trees situated in the petitioners land and therefore, the petitioners got issued a legal notice on 18.02.2005 to stop the illegal removal of the trees and encroachment of the private property of the petitioners without any acquisition proceedings.

If the land of the petitioners is required for the purpose of widening the road, it is always open for the respondents to acquire the land and lay a road. But without initiating any proceedings under the Land Acquisition Act, the land of the petitioners cannot be taken away.

Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioners from their property and not to cut the existing trees situate in the lands of the petitioners, without following due process of law prescribed under the provisions of the Land Acquisition Act.

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(V. ESWARAIAH, J)

Date: 24.05.2005

Ksn

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector,

East Godavari District, Kakinada.

2. The Revenue Divisional Officer,

Amalapuram Division, East Godavari District.

3. The Mandal Revenue Officer,

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4. The Deputy Executive Engineer, Panchayat Raj Department,

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5. The Deputy Executive Engineer, Panchayat Raj Department,

P. Gannavaram, East Godavari District.

6. Two CCs to G.P. for Revenue, High Court Buildings,

7. 2 CD copies

8. Two CCs to G.P. for Panchayat, High Court Buildings, Hyderabad.

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